IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.7986 OF 2004

Shaileja Shankar Pol & Anr. ... Petitioners

V/s.

State of Maharashtra & Anr. ... Respondents

Mr.S.G. Deshpande for Petitioners
Mr.S.K. Chinchalikar, AGP, for Respondent Nos.1 and 2
Mrs.Chandana Salgaonkar for Respondent No.3
Mr.R.G. Ketkar for Respondent No.4

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 1, 2005**

P.C.:

. By this petition, the Petitioners have challenged the entire process of admission in unaided government medical colleges in the State of Maharashtra. Several challenges are raised including violation of the provisions of Maharashtra Health Universities Act, Articles 341 and 342 of the Constitution of India. We need not go into any of these challenges for the simple reason that Respondent No.4 has stated on affidavit that Petitioner No.1 never applied for admission and petitioner No.2 though applied did not present himself before the College authorities between a fixed period. In view of this factual situation, which is denied by the petitioners, disputed questions of fact arise which

need not be gone into in a writ jurisdiction.

2. It is factually and legally impossible now to interfere with the admission of approximately 600 students who have been admitted and who are pursuing their studies for the last few months. Even if it is assumed that concession of any kind by any party with certain infractions of rule have taken place, it cannot now be mandated that the admissions of all the 600 students be quashed. The Petitioners can apply for fresh admission in the next academic year. If any factual loss is caused to them, remedy is by way of civil suit for damages. In such circumstances, we see no reason to interfere. Petition is, therefore, dismissed.